

Docket No.  
03170005AA

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SUPPRESSION OF FOLIAR AND SOILBORNE PATHOGENS**

the specification of which

(check one)

☒ is attached hereto.

☒ was filed on 27 October 2004 as United States Application No. or PCT International Application Number PCT/US2004/035807

and was amended on 2/7/06

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Number) \_\_\_\_\_ (Country) \_\_\_\_\_ (Day/Month/Year Filed) \_\_\_\_\_

☒

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(Number) \_\_\_\_\_ (Country) \_\_\_\_\_ (Day/Month/Year Filed) \_\_\_\_\_

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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

<u>60/515,339</u>	<u>28 October 2003</u>
(Application Serial No.)	(Filing Date)
<u>60/532,758</u>	<u>24 December 2003</u>
(Application Serial No.)	(Filing Date)
<u></u>	<u></u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>PCT/US2004/035807</u>	<u>27 October 2004</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u></u>	<u></u>	<u></u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Michael E. Whitham, Reg. No. 32,635

Marshall M. Curtis, Reg. No. 33,138

Clyde R Christofferson, Reg. No. 34,138

C. Lamont Whitham, Reg. No. 22,424

Send Correspondence to: **ADDRESS ASSOCIATED WITH CUSTOMER NUMBER 30743**

Direct Telephone Calls to: *(name and telephone number)*

Michael E. Whitham 703-787-9400

Full name of sole or first inventor <b>George J. BALEY</b>	
Sole or first inventor's signature	Date
Residence <b>Pullman, Washington</b>	
Citizenship <b>United States</b>	
Post Office Address <b>430 West Main, Pullman Washington 99163</b>	

Full name of second inventor, if any <b>Kimberlee K. KIDWELL</b>	
Second inventor's signature	Date
Residence <b>Pullman, Washington</b>	
Citizenship <b>United States</b>	
Post Office Address <b>455 N.W. Robert Street, Pullman Washington 99163</b>	

Full name of third inventor, if any

**Timothy C. PAULITZ**

Third inventor's signature

*Timothy C. Paulitz*

Date

29 Sept 2006

Residence

**Pullman, Washington**

Citizenship

**United States**

Post Office Address

**c/o USDA-ARS Root Disease and Biological Control Lab., Room 363 Johnson Hall****Washington State University, Pullman, Washington 99164-6430**

Full name of fourth inventor, if any

Fourth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of fifth inventor, if any

Fifth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth inventor, if any

Sixth inventor's signature

Date

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#### Prior Foreign Application(s)

#### Priority Claimed

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Michael E. Whitham 703-787-9400

Full name of sole or first inventor <b>George J. BALEY</b>	
Sole or first inventor's signature	Date
Residence <b>Pullman, Washington</b>	
Citizenship <b>United States</b>	
Post Office Address <b>430 West Main, Pullman Washington 99163</b>	

Full name of second inventor, if any <b>Kimberlee K. KIDWELL</b>	
Second inventor's signature <i>Kimberlee K. Kidwell</i>	Date <i>10/2/06</i>
Residence <b>Pullman, Washington</b>	
Citizenship <b>United States</b>	
Post Office Address <b>455 N.W. Robert Street, Pullman Washington 99163</b>	

Full name of third inventor, if any

**Timothy C. PAULITZ**

Third inventor's signature

Date

Residence

**Pullman, Washington**

Citizenship

**United States**

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Full name of fourth inventor, if any

Fourth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of fifth inventor, if any

Fifth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth inventor, if any

Sixth inventor's signature

Date

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Sole or first inventor's signature <i>George J. Baile</i>	Date <b>10/31/06</b>
Residence <b>Pullman, Washington</b> <i>Webster Groves, Missouri</i>	
Citizenship <b>United States</b>	
Post Office Address <b>430 West Main, Pullman Washington 99163</b> <i>134 Oak Tree Dr, Webster Groves MO</i>	
<b>63119</b>	

Full name of second inventor, if any <b>Kimberlee K. KIDWELL</b>	
Second inventor's signature	Date
Residence <b>Pullman, Washington</b>	
Citizenship <b>United States</b>	
Post Office Address <b>455 N.W. Robert Street, Pullman Washington 99163</b>	

Full name of third inventor, if any

**Timothy C. PAULITZ**

Third inventor's signature

Date

Residence

**Pullman, Washington**

Citizenship

**United States**

Post Office Address

**c/o USDA-ARS Root Disease and Biological Control Lab., Room 363 Johnson Hall****Washington State University, Pullman, Washington 99164-6430**

Full name of fourth inventor, if any

Fourth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of fifth inventor, if any

Fifth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth inventor, if any

Sixth inventor's signature

Date

Residence

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Post Office Address